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been found to be eligible for early release must, when filing an administrative remedy request pursuant to 28 part CFR 542, subpart B on an action which would result in the inmate's loss of early release eligibility, indicate in the first sentence of the request that the request affects the inmate's early release.

[60 FR 27695, May 25, 1995]

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AUTHORITY: 5 U.S.C. 301; 18 U.S.C. 1512, 3621, 3622, 3624, 4001, 4005, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161–4166 (Repealed as to offenses committed on or after November 1,

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1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; Pub. L. 99–500 (sec. 209); 28 CFR 0.95–0.99; Attorney General’s May 1, 1995 Guidelines for Victim and Witness Assistance.

SOURCE: 44 FR 38252, June 29, 1979, unless otherwise noted.

Subpart A—Grooming

§ 551.1 Policy.

The Bureau of Prisons permits an inmate to select the hair style of personal choice, and expects personal cleanliness and dress in keeping with standards of good grooming and the security, good order, and discipline of the institution.

§ 551.2 Mustaches and beards.

An inmate may wear a mustache or beard or both. The Warden shall require an inmate with a beard to wear a beard covering when working in food service or where a beard could result in increased likelihood of work injury.

[46 FR 59509, Dec. 4, 1981]

§ 551.3 Hairpieces.

Inmates may not wear wigs or artificial hairpieces, unless medical authorization to do so is approved by the Warden.

[55 FR 40354, Oct. 2, 1990]

§ 551.4 Hair length.

(a) The Warden may not restrict hair length if the inmate keeps it neat and clean.

(b) The Warden shall require an inmate with long hair to wear a cap or hair net when working in food service or where long hair could result in increased likelihood of work injury.

(c) The Warden shall make available to an inmate hair care services which comply with applicable health and sanitation requirements.

[44 FR 38252, June 29, 1979, as amended at 46 FR 59509, Dec. 4, 1981]

§ 551.5 Restrictions and exceptions.

The Warden may impose restrictions or exceptions for documented medical reasons.

§ 551.6 Personal hygiene.

The Warden shall make available to an inmate those articles necessary for maintaining personal hygiene.

[46 FR 59509, Dec. 4, 1981]

§ 551.7 Bathing and clothing.

Each inmate must observe the standards concerning bathing and clothing that exist in the institution as required by standards of § 551.1.

[46 FR 59509, Dec. 4, 1981]

Subpart B—Marriages of Inmates

SOURCE: 49 FR 18385, Apr. 30, 1984, unless otherwise noted.

§ 551.10 Purpose and scope.

The Warden shall approve an inmate’s request to marry except where a legal restriction to the marriage exists, or where the proposed marriage presents a threat to the security or good order of the institution, or to the protection of the public. The Warden may approve the use of institution facilities for an inmate’s marriage ceremony. If a marriage ceremony poses a threat to the security or good order of the institution, the Warden may disapprove a marriage ceremony in the institution.

[49 FR 18385, Apr. 30, 1984, as amended at 63 FR 5218, Jan. 30, 1998]

§ 551.11 Authority to approve a marriage.

(a) The Warden may approve the marriage of a federal inmate confined in a federal institution. This authority may not be delegated below the level of Acting Warden.

(b) The appropriate Community Corrections Manager may approve the request to marry of a federal inmate who is not confined in a federal institution (for example, a federal inmate who is in a community corrections center, in home confinement, in state custody, or in a local detention facility).

[49 FR 18385, Apr. 30, 1984, as amended at 58 FR 58248, Oct. 29, 1993]

§ 551.12 Eligibility to marry.

An inmate’s request to marry shall be approved provided:

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(a) The inmate is legally eligible to marry;

(b) The inmate is mentally competent;

(c) The intended spouse has verified, ordinarily in writing, an intention to marry the inmate; and

(d) The marriage poses no threat to institution security or good order, or to the protection of the public.

§ 551.13 Application to marry.

(a) A federal inmate confined in a Bureau institution who wants to get married shall submit a request to marry to the inmate's unit team. The unit team shall evaluate the request based on the criteria identified in § 551.12. A written report of the unit team's findings, and its recommendation, shall be forwarded to the Warden for a final decision.

(b) The Warden shall notify the inmate in writing whether the inmate's request to marry is approved or disapproved. A copy of this notification shall be placed in the inmate's central file. When the Warden's decision is to disapprove the inmate's request, the notification to the inmate shall include a statement of reason(s) for that action. The Warden shall advise the inmate that the decision may be appealed through the Administrative Remedy Procedure.

(c) All expenses of the marriage (for example, a marriage license) shall be paid by the inmate, the inmate's intended spouse, the inmate's family, or other appropriate source approved by the Warden. The Warden may not permit appropriated funds to be used for an inmate marriage.

§ 551.14 Special circumstances.

(a) *Detainers and pending charges.* Staff review of a marriage request from an inmate who has a detainer(s) and/or a pending charge(s) shall include an assessment of the legal effects of the marriage on these actions. For example, an inmate could request to marry a potential witness in litigation pending against that inmate. Approving this marriage could affect the status of this litigation.

(b) *Pretrial inmates.* A pretrial inmate may request permission to marry in accordance with the provisions of this rule. Staff shall contact the court, U.S.

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Attorney, and in the case of an alien, the Immigration and Naturalization Service, to advise of the marriage request of the pretrial inmate and to request their comments.

(c) *Federal inmates not in Federal institutions.* A federal inmate who is not confined in a federal institution who wants to get married shall submit a request to the appropriate Community Corrections Manager. Prior to making a decision on the inmate's request, the Community Corrections Manager shall advise the confining authority of the inmate's request and ask that information on the criteria identified in § 551.12 be furnished.

[49 FR 18385, Apr. 30, 1984, as amended at 58 FR 58248, Oct. 29, 1993]

§ 551.15 Furloughs.

An inmate whose request to marry is approved, and who also meets the Bureau's criteria for furlough (see part 570, subpart C), may be considered for a furlough for the purpose of getting married.

§ 551.16 Marriage ceremony in the institution.

(a) The Warden may approve the use of institution facilities for an inmate's marriage ceremony. If a marriage ceremony poses a threat to the security or good order of the institution, the Warden may disapprove a marriage ceremony in the institution. The Warden may not delegate the authority to approve or to disapprove a marriage ceremony in the institution below the level of Acting Warden.

(b) Expenses for a marriage ceremony in the institution shall be paid by the inmate, the inmate's intended spouse, the inmate's family, or other appropriate source approved by the Warden. The Warden may not permit appropriated funds to be used for the marriage ceremony, except for those inherent in providing the place and supervision for the event. Upon request of the inmate, Bureau of Prisons or community clergy, or a justice of the peace may be authorized to assist in a marriage ceremony at the institution.

(1) The marriage ceremony may be performed by Bureau of Prisons or community clergy, or by a justice of the peace.

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(2) Because of ecclesiastical constraints, Bureau of Prisons chaplains may decline to perform the marriage ceremony. Upon request of the inmate, a Bureau chaplain will assist that inmate in preparing for an approved marriage; for example, by providing, or arranging for an inmate to receive, pre-nuptial marriage counseling.

(c) The Warden shall require that a marriage ceremony at the institution be a private ceremony conducted without media publicity.

Subpart C—Birth Control, Pregnancy, Child Placement, and Abortion

§ 551.20 Purpose and scope.

The Bureau of Prisons provides an inmate with medical and social services related to birth control, pregnancy, child placement, and abortion. The Warden shall ensure compliance with the applicable law regarding these matters.

§ 551.21 Birth control.

Medical staff shall provide an inmate with advice and consultation about methods for birth control and, where medically appropriate, prescribe and provide methods for birth control.

§ 551.22 Pregnancy.

(a) The Warden shall ensure that each pregnant inmate is provided medical, case management, and counseling services.

(b) In order to ensure proper medical and social services, the inmate shall inform the institution medical staff as soon as she suspects she is pregnant.

(c) Medical staff shall arrange for the childbirth to take place at a hospital outside the institution.

[44 FR 38252, June 29, 1979, as amended at 59 FR 62968, Dec. 6, 1994]

§ 551.23 Abortion.

(a) The inmate has the responsibility to decide either to have an abortion or to bear the child.

(b) The Warden shall offer to provide each pregnant inmate with medical, religious, and social counseling to aid her in making the decision whether to carry the pregnancy to full term or to

have an elective abortion. If an inmate chooses to have an abortion, she shall sign a statement to that effect. The inmate shall sign a written statement acknowledging that she has been provided the opportunity for the counseling and information called for in this policy.

(c) Upon receipt of the inmate's written statements required by paragraph (b) of this section, ordinarily submitted through the unit manager, the Clinical Director shall arrange for an abortion to take place.

[51 FR 47178, Dec. 30, 1986, as amended at 59 FR 62968, Dec. 6, 1994]

§ 551.24 Child placement.

(a) The Warden may not permit the inmate's new born child to return to the institution except in accordance with the Bureau of Prisons policy governing visiting.

(b) Child placement is the inmate's responsibility. The Warden shall provide opportunities for counseling by institution staff and community social agencies to aid the inmate with placement.

(c) The institution staff shall work closely with community agencies and persons to ensure the child is appropriately placed. The staff shall give notice to the responsible community agency of the inmate's plan for her child. Child welfare workers may come to the institution in appropriate cases to interview and counsel an inmate.

[44 FR 38252, June 29, 1979, as amended at 51 FR 47179, Dec. 30, 1986; 59 FR 62968, Dec. 6, 1994]

Subpart D—Inmate Organizations

SOURCE: 61 FR 11275, Mar. 19, 1996, unless otherwise noted.

§ 551.30 Purpose and scope.

The Bureau of Prisons permits inmates and persons in the community to participate in approved inmate organizations for recreational, social, civic, and benevolent purposes.

§ 551.31 Approval of an organization.

(a) An inmate must submit a request for recognition of a proposed inmate

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organization to the Warden. The organization may not become active without the Warden's approval.

(b) The Warden may approve an inmate organization upon determining that:

(1) The organization has a constitution and bylaws duly approved by its members; the constitution and bylaws must include the organization's purpose and objectives, the duties and responsibilities of its officer(s), and the requirements for activities reporting and operational review; and

(2) The organization does not operate in opposition to the security, good order, or discipline of the institution.

§ 551.32 Staff supervision.

(a) The Warden shall appoint a staff member as the institution's Inmate Organization Manager (IOM). The IOM shall be responsible for monitoring the activities of the institution's inmate organizations and staff sponsors.

(b) The Warden or designee shall assign to a staff sponsor responsibility for supervising the activities of an individual inmate organization. The staff sponsor's duties are performed while in official duty status.

§ 551.33 Dues.

Dues may be collected if they are required by the national organization, are collected by that same national organization, and the rate and method of institution collection have been approved by the Warden. No portion of the dues may be kept by the inmate organization for use at the institution. The organization may not make payment of dues a requirement of membership for an inmate who lacks funds.

§ 551.34 Organization activities.

(a) An officer of the inmate organization must submit a written request for approval of an activity to the Warden or designee. Activities include, but are not limited to, meetings, guest speakers, sports competitions, banquets, or community programs. Activities may not include fund-raising projects. The request must specifically include:

(1) Name of the organization;

(2) Nature or purpose of the activity;

(3) Date, time, and estimated duration of the activity;

(4) Estimated cost;

(5) Information concerning guest participation; and

(6) Other pertinent information requested by the Warden.

(b) The Warden may approve the request if the activity:

(1) Does not conflict with scheduled inmate work or program activities;

(2) Has confirmation of staff supervision;

(3) Can be appropriately funded when applicable (see § 551.36); and

(4) Does not conflict with the security, good order, or discipline of the institution.

(c) When an activity requires the expenditure of government funds, the Warden ordinarily shall require reimbursement from non-inmate participants (guests or members).

(d) Each inmate organization shall be responsible for maintaining accurate records of its activities.

(e) The activities of an inmate organization may be suspended temporarily due to noncompliance with Bureau policy. The IOM is responsible for recommending the specific suspension sanction for the Warden's approval. The inmate organization is to receive written notice of the proposed suspension sanction and shall have the opportunity to respond to the Warden. Continued noncompliance with Bureau policy shall result in an increase in the severity of the suspension sanction, and may include withdrawal of approval of the organization.

§ 551.35 Withdrawal of approval of an organization.

The Warden may withdraw approval of an inmate organization for reasons of the security, good order, and discipline of the institution, or in accordance with § 551.34(e).

§ 551.36 Funding.

The Bureau of Prisons may fund approved activities of inmate organizations or organization requests for purchase of equipment or services for all inmates subject to the availability of designated funds.

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Subpart E—Inmate Contributions

§ 551.50 Policy.

(a) An inmate may contribute to a candidate for election to a federal, state or local office, in a primary, general, or special election.

(b) An inmate may contribute to any international, national or local organization, including political parties, so long as the contribution does not violate any law or regulation.

Subpart F—Volunteer Community Service Projects

§ 551.60 Volunteer community service projects.

(a) A volunteer community service project is a project sponsored and developed by local government or by a nonprofit charitable organization, submitted to the institution, and recommended by the Warden for approval of the Regional Director. Volunteer community service projects are designed to provide for the public good in keeping with the overall goals of the community, such as community-wide beautification or public safety. The sponsoring organization is responsible for certifying to the Bureau that the community service project does not displace regular employees, supplant employment opportunities ordinarily available within the sponsoring organization, or impair contracts for services. These projects are not work assignments. Any inmate who chooses to participate does so voluntarily, and may not receive performance pay or any other salaried compensation for participation in the project, nor be eligible to submit a claim under the provisions of the Inmate Accident Compensation Program.

(b) An inmate may volunteer to participate in a community service project by submitting a written request for the Warden's approval. The inmate must have custody classification appropriate for the project and be otherwise eligible for the conditions of the project. The decision of the Warden to approve or disapprove an inmate's request shall be documented in writing.

(c) An inmate may appeal the Warden's decision through the Administra-

tive Remedy Procedure (see 28 CFR part 542).

[58 FR 5210, Jan. 19, 1993]

Subpart G—Administering of Polygraph Test

§ 551.70 Purpose and scope.

The Bureau of Prisons cooperates with law enforcement officials and other authorized individuals in the performance of their duties by permitting them to administer polygraph tests to an inmate if the inmate consents to the testing.

§ 551.71 Procedures.

(a) The Warden may permit polygraph tests in connection with a State or Federal criminal felony investigation.

(b) The Warden may permit polygraph tests in connection with misdemeanor offenses, civil proceedings, or any other matters. This type of request, however, is generally disapproved, absent a federal court order for the test.

(c) The Warden may permit a polygraph test at the request of a defense counsel or other representative of the inmate. These requests are subject to the same standards and procedures applicable to testing by law enforcement officials.

(d) The Warden may deny any request for testing which may disrupt the security or good order of the institution.

(e) Upon written request to conduct a polygraph examination of an inmate, the Warden may approve the request if:

(1) The validity of the request and of the examining agency can be confirmed;

(2) The request complies with this section; and

(3) The inmate gives written consent to the testing.

(f) If the request is approved, the Warden shall notify the requestor that he is responsible for meeting all state and local requirements in administering the test.

(g) The Bureau of Prisons maintains a record in the inmate's central file of the polygraph test indicating the inmate's consent and the time and place

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of and the personnel involved in the testing.

Subpart H—Inmate Manuscripts

§ 551.80 Definition.

As used in this rule, *manuscript* means fiction, nonfiction, poetry, music and lyrics, drawings and cartoons, and other writings of a similar nature.

§ 551.81 Manuscript preparation.

An inmate may prepare a manuscript for private use or for publication while in custody without staff approval. The inmate may use only non-work time to prepare a manuscript.

§ 551.82 Mailing inmate manuscripts.

An inmate may mail a manuscript as general correspondence, in accordance with part 540, subpart B of this chapter. An inmate may not circulate his manuscript within the institution.

§ 551.83 Limitations on an inmate's accumulation of manuscript material.

The Warden may limit, for house-keeping, fire-prevention, or security reasons, the amount of accumulated inmate manuscript material.

Subpart I—Non-Discrimination Toward Inmates

§ 551.90 Policy.

Bureau staff shall not discriminate against inmates on the basis of race, religion, national origin, sex, disability, or political belief. This includes the making of administrative decisions and providing access to work, housing and programs.

[63 FR 55774, Oct. 16, 1998]

Subpart J—Pretrial Inmates

SOURCE: 59 FR 60285, Nov. 22, 1994, unless otherwise noted.

§ 551.100 Purpose and scope.

In addition to convicted inmates, the Bureau of Prisons houses persons who have not been convicted. Procedures and practices required for the care, custody, and control of such inmates

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may differ from those established for convicted inmates. Pretrial inmates will be separated, to the extent practicable, from convicted inmates. Except as specified by this rule, policies and standards applicable to persons committed to the custody of the Attorney General or the Bureau of Prisons apply also to pretrial inmates as defined in § 551.101.

§ 551.101 Definitions.

(a) *Pretrial inmate*. For purpose of this rule, “pretrial inmate” means a person who is legally detained but for whom the Bureau of Prisons has not received notification of conviction. Thus, “pretrial inmate” ordinarily includes a person awaiting trial, being tried, or awaiting a verdict.

(1) *Civil contempt, deportable aliens, or material witnesses*. For purpose of this rule, an inmate committed for civil contempt, or as a deportable alien, or as a material witness is considered a pretrial inmate.

(2) *Mental evaluation or treatment*. An inmate committed under Title 18 U.S.C. Sections 4241 (b) and (d), 4242(a), or 4243(b) is considered to be a pretrial inmate, whereas commitments under Sections 4243(e), 4244, 4245 or 4246 are treated as convicted inmates.

(3) *Concurrent federal and state sentences*. For purpose of this rule, an inmate in a status described in paragraph (a) introductory text, (a)(1), or (a)(2) of this section and who is at the same time serving a state or federal sentence is not considered a pretrial inmate.

(b) *Convicted inmate*. For purposes of this rule, an individual a court has found guilty of an offense punishable by law.

§ 551.102 Commitment prior to arraignment.

On receipt of a U.S. Marshal remand, the Bureau of Prisons shall accept an individual who has not been arraigned for commitment as a pretrial inmate, provided that the institution has appropriate detention facilities available for that individual.

§ 551.103 Procedure for admission.

Staff in administrative institutions or institutions with administrative components housing U.S. Marshals’

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prisoners shall establish procedures for admitting a pretrial inmate which include, but are not limited to:

- (a) Verification of commitment papers;
- (b) Search of the inmate;
- (c) Photographing and fingerprinting;
- (d) Disposition of clothing and personal possessions;
- (e) Intake screening (including Notice of Separation);
- (f) Providing institution guidelines governing telephone calls (including procedures for making unmonitored calls to an attorney);
- (g) Provisions for personal hygiene, to include:
 - (1) Issue of personal hygiene items;
 - (2) Issue of clean clothing; and
 - (3) Opportunity for shower and hair care;
- (h) Orientation;
- (i) Opportunity for waiver of right not to work;
- (j) Assignment to an appropriate housing unit.

§551.104 Housing.

To the extent practicable, pretrial inmates will be housed separately from convicted inmates.

§551.105 Custody.

- (a) Staff ordinarily will supervise a pretrial inmate as if classified "In" custody.
- (b) Where circumstances warrant, staff may supervise a pretrial inmate according to procedures for other custody levels.

§551.106 Institutional employment.

Unless a pretrial inmate signs a waiver of his or her right not to work, the Warden may not require the inmate to work in any assignment other than housekeeping tasks in the inmate's own cell and in the community living area.

§551.107 Pretrial inmate reviews.

Staff shall conduct regular reviews of a pretrial inmate's status.

- (a) Each pretrial inmate shall be scheduled for an initial review by the unit team within 21 calendar days of the inmate's first arrival at the institution, and subsequent reviews shall be conducted at least every 90 days.

- (b) The inmate shall be notified at least 48 hours prior to the inmate's scheduled review.

- (c) A pretrial inmate is expected to attend these reviews. If the inmate refuses to appear, staff shall document in the record of the meeting the inmate's refusal and, if known, the reason for refusal.

- (d) Inmate reviews are to be documented on the Pretrial Inmate Review Report.

§551.108 Performance pay.

The Warden may approve a pretrial inmate for performance pay and special awards.

§551.109 Community activities.

- (a) The Warden may not grant a furlough to a pretrial inmate (18 U.S.C. §3622).

- (b) In an emergency, staff shall facilitate contact with the pretrial inmate's attorney of record, who may seek from the court a decision concerning release from custody or an escorted trip.

- (c) Except by order of the court, a pretrial inmate may not be considered for participation in community programs.

§551.110 Religious programs.

- (a) When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to participate in religious programs with convicted inmates.

- (b) Staff shall ensure that pretrial inmates who do not participate in religious programs with convicted inmates have access to other religious programs.

§551.111 Marriage.

A pretrial inmate may request permission to marry in accordance with current Bureau of Prisons policy for convicted inmates. Staff shall contact the court, U.S. Attorney, U.S. Marshals Service, and in the case of an alien, the Immigration and Naturalization Service, to advise of the marriage request of the pretrial inmate and to request their comments.

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§ 551.112 Education.

(a) A pretrial inmate may participate in correspondence and self-study educational courses. Institutional staff may also arrange for educational assistance to the pretrial inmate through the use of contract personnel or community volunteers.

(b) When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to have access to the institution's educational program.

§ 551.113 Counseling.

(a) When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to receive counseling services with convicted inmates.

(b) Staff shall ensure that pretrial inmates who do not receive counseling services with convicted inmates have access to other counseling services.

§ 551.114 Medical, psychiatric and psychological.

(a) Staff shall provide the pretrial inmate with the same level of basic medical (including dental), psychiatric, and psychological care provided to convicted inmates.

(b) Staff shall advise the court, through the U.S. Marshal, of medication the pretrial inmate receives which may alter the inmate's courtroom behavior.

(c) In event of serious illness or death of a pretrial inmate, staff shall notify the committing court, U.S. Marshal, U.S. Attorney's Office, the inmate's attorney of record, and the designated family member or next of kin.

§ 551.115 Recreation.

(a) When consistent with institution security and good order, pretrial inmates may be allowed the opportunity to participate with convicted inmates in recreational activities. Staff shall ensure that inmates who do not participate in recreational activities with convicted inmates have access to other recreational activities.

(b) At a minimum, and except as noted in paragraph (d) of this section, staff shall provide the pretrial inmate with the following recreational opportunities:

(1) One hour daily of outside recreation, weather permitting; or

(2) Two hours daily of indoor recreation.

(c) Staff shall make recreation equipment available to the pretrial inmate including, but not limited to, physical exercise equipment, books, table games, and television.

(d) Staff shall provide the pretrial inmate housed in Administrative Detention or Disciplinary Segregation with exercise as provided by the Bureau of Prisons rules on Inmate Discipline. (See 28 CFR part 541, subpart B.)

(e) Provisions of paragraphs (b) and (c) of this section must be carried out unless compelling security or safety reasons dictate otherwise. Institution staff shall document these reasons.

§ 551.116 Discipline.

(a) Staff shall require the pretrial inmate to abide by Bureau of Prisons rules on Inmate Discipline (see 28 CFR part 541, subpart B), subject to the limitations of § 551.106 of this part.

(b) Staff shall advise the court, through the U.S. Marshal, of repeated or serious disruptive behavior by a pretrial inmate.

§ 551.117 Access to legal resources.

(a) The Warden shall provide the opportunity for pretrial inmate-attorney visits on a seven-days-a-week basis.

(b) Staff shall provide pretrial inmates with access to legal materials in the institution.

(c) Staff shall allow the pretrial inmate, upon the inmate's request, to telephone the inmate's attorney as often as resources of the institution allow.

§ 551.118 Property.

(a) A pretrial inmate may retain personal property as authorized for convicted inmates housed in administrative detention units. (See 28 CFR part 541, subpart B.)

(b) Staff may store the pretrial inmate's unauthorized personal property until the individual is released, transferred to another facility, or sentenced and committed to a federal institution.

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(c) Staff may supply the pretrial inmate with clothing for court appearances, or the inmate may supply his or her own.

§ 551.119 Release of funds and property of pretrial inmates.

(a) Staff shall establish procedures which allow for the release of funds and personal property to pretrial inmates released during other than normal business hours.

(b) Staff shall ensure that pretrial inmates are informed of existing policy relative to the commissary account and the deposit/release of funds.

§ 551.120 Visiting.

Staff shall allow pretrial inmates to receive visits in accordance with the Bureau's rule and local institution guidelines on visiting. Staff may allow a pretrial inmate special visits to protect the inmate's business interests or to help prepare for trial.

Subparts K–L [Reserved]

Subpart M—Victim and/or Witness Notification

SOURCE: 49 FR 18386, Apr. 30, 1984, unless otherwise noted.

§ 551.150 Purpose and scope.

The Bureau of Prisons provides a requesting victim and/or witness of a serious crime with information on the release from a Bureau institution of the inmate convicted of that serious crime.

[64 FR 68265, Dec. 6, 1999]

§ 551.151 Definitions.

(a) For purpose of this rule, *victim* is generally defined as someone who suffers direct or threatened physical, emotional, or financial harm as the result of the commission of a crime. The term “victim” also includes the immediate family of a minor or a homicide victim.

(b) For purpose of this rule, *witness* is defined as someone who has information or evidence concerning a crime, and provides information regarding this knowledge to a law enforcement agency. Where the witness is a minor, the term “witness” includes an appropriate family member. The term “wit-

ness” does not include defense witnesses or those individuals involved in the crime as a perpetrator or accomplice.

(c) For purpose of this rule, *serious crime* is defined as a criminal offense that involves personal violence, attempted or threatened personal violence or significant property loss.

(d) For purpose of this rule, the phrase *release from a Bureau institution* refers to an inmate's furlough, parole (including appearance before the Parole Commission), transfer to a State or local detention facility, transfer to a community corrections center, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information.

[49 FR 18386, Apr. 30, 1984, as amended at 55 FR 6178, Feb. 21, 1990; 64 FR 68265, Dec. 6, 1999]

§ 551.152 Procedures.

(a) A victim and/or witness of a serious crime who wants to be notified of a specific inmate's release must make this request to the United States Attorney in the district where the prosecution occurred. Requests for notification received by the Bureau of Prisons directly from a victim and/or witness will be referred to the U.S. Attorney in the district of prosecution for approval.

(b) Institution staff shall promptly notify the victim and/or witness when his or her request for notification has been received. Staff shall advise each approved victim and/or witness of that person's responsibility for notifying the Bureau of Prisons of any address and/or telephone number changes.

[49 FR 18386, Apr. 30, 1984, as amended at 55 FR 6178, Feb. 21, 1990]

§ 551.153 Cancelling the notification request.

(a) A victim and/or witness may request cancellation of the notification by contacting either the Bureau of Prisons or the U.S. Attorney from the prosecuting district. The Bureau of Prisons shall notify the victim and/or witness that his or her request for notification has been cancelled.

(b) Bureau of Prisons staff may cancel a notification request when the victim and/or witness has not responded

§ 551.160

within 60 calendar days to a Bureau of Prisons inquiry concerning whether the victim and/or witness wishes to continue receiving notification of the inmate's release(s).

(c) A notification request by a victim and/or witness ordinarily terminates when the inmate has completed service of the sentence for the serious crime which resulted in the request for notification.

Subpart N—Smoking/No Smoking Areas

SOURCE: 59 FR 34742, July 6, 1994, unless otherwise noted.

§ 551.160 Purpose and scope.

To advance towards becoming a clean air environment and to protect the health and safety of staff and inmates, the Bureau of Prisons will restrict areas and circumstances where smoking is permitted within its institutions and offices.

§ 551.161 Definitions.

For purpose of this subpart, *smoking* is defined as carrying or inhaling a lighted cigar, cigarette, pipe or other lighted tobacco products.

§ 551.162 Designated no smoking areas.

All areas of Bureau of Prisons facilities and vehicles are no smoking areas unless specifically designated as a smoking area by the Warden as set forth in § 551.163.

§ 551.163 Designated smoking areas.

(a) At all medical referral centers, including housing units, and at minimum security institutions, including satellite camps and intensive confinement centers, the Warden shall identify "smoking areas", ordinarily outside of all buildings and away from all entrances so as not to expose others to second-hand smoke.

(b) At all low, medium, high, and administrative institutions other than medical referral centers, the Warden shall identify outdoor smoking areas and may, but is not required to, designate a limited number of indoor smoking areas where the needs of effec-

tive operations so require, especially for those who may be employed in, or restricted to, a nonsmoking area for an extended period of time.

(c) To the maximum extent practicable nonsmoking inmates shall be housed in nonsmoking living quarters.

§ 551.164 Notice of smoking areas.

The Warden shall ensure that smoking areas are clearly identified by the appropriate placement of signs. The *absence* of a sign shall be interpreted as indicating a no smoking area. Appropriate disciplinary action shall be taken for failure to observe smoking restrictions.

PART 552—CUSTODY

Subpart A [Reserved]

Subpart B—Searches of Housing Units, Inmates, and Inmate Work Areas

Sec.

552.10 Purpose and scope.

552.11 Body searches of inmates.

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Subpart C—Use of Force and Application of Restraints on Inmates

552.20 Purpose and scope.

552.21 Types of force.

552.22 Principles governing the use of force and application of restraints.

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552.30 Purpose and scope.

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